

Tennessee Real Estate news-journal

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Commission Reappointments and Elections

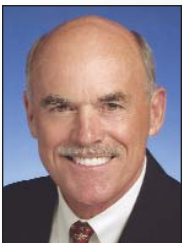


Charles Haynes

Gov. Phil Bredesen reappointed Charles Haynes and Isaac Northern for second five year terms as Commissioners of the Tennessee Real Estate Commission. Both Commissioners have shown a tremendous commitment and dedication to the improvement of the real estate profession and the protection of the consumer.



Isaac Northern



Bear Stephenson

Commissioner Haynes is currently the longest serving member of the Commission and as a result is able to offer many invaluable

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Outgoing Commissioner Saved the State Thousands of Dollars

By: Charles Haynes, Chairman, Tennessee Real Estate Commission

I have been on the Tennessee Real Estate Commission for more than 10 years under two different administrations, and its been a long time since I have seen anyone accomplish so much in such a short period of time as Commissioner Gary Cunningham has achieved. Commissioner Cunningham's term expired on June 30, 2008. He was appointed to the Commission to complete the term of former Congressman and Commissioner, Bob Clement in 2005, when Commissioner Clement resigned due to his out of town business schedule. Commissioner Cunningham served the Middle Tennessee District as the consumer representative.

Commissioner Cunningham was instrumental in saving the Tennessee Real Estate Commission several hundred thousand dollars on the purchase, distribution and

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Governor Bredesen Appoints Allen Woods to Commission

In June 2008 Gov. Phil Bredesen appointed Allen Woods to a five-year term as a public member of the Tennessee Real Estate Commission. Woods, a shareholder in the Law Offices of Woods and Woods, has vast experience in representing clients in regulatory, zoning and residential and commercial real estate matters. His extensive experience in assisting clients was apparent at his first TREC meeting, where he assisted in determining disciplinary sanctions to assure protection of the citizens of the State.



Commissioner Woods, a native of Nashville, earned his undergraduate degree from Emory University in Atlanta and his law degree from Vanderbilt University Law School. While at Vanderbilt, Woods was editor of the Vanderbilt Journal of Transnational Law, was awarded the Vanderbilt Scholastic Excellence Award in

cont. page 2

Allen Woods...cont.

Legal Process, co-founded the local student chapter of the American Constitution Society and was a Dean's Scholar.

Woods previously worked for Solutions Corporation of America, a consulting firm for healthcare companies that addresses special issues related to government scrutiny and regulation, and was a special assistant to former U.S. Rep. Bob Clement, D – 5th District. He has also instructed continuing-education seminars for lawyers, paralegals and real estate brokers.

Commissioner Woods is involved with the Barkley Forum Foundation, an organization that supports debate in middle and high schools throughout the nation, and is a board member of the Community Education Initiative. He has volunteered his time on a committee for the Center for Nonprofit Management and is a member of the executive committee of the Young Leaders Group of the Urban Land Institute. Woods is a member of the Nashville, Tenn., and American Bar associations.

Chairman Haynes, along with the other Commission members, welcomed Commissioner Woods at the August meeting of the Real Estate Commission.

In an effort to provide outstanding service to individuals who call the TREC office, all staff members are required to introduce themselves by name. When calling, please note the name of the staff person with whom you spoke, in case you need to contact that person again.

Saved Thousands...cont.

storage of the TREC Manuals from Lexis Nexis which came out of the Education and Recovery Fund. Commissioner Cunningham brought new ideas to the Commission on ways of cutting cost in the production and distribution of the manuals, such as using lighter weight paper, trimming a half inch off each side of the manual, eliminating unnecessary pages which could reduce the printing and postage cost as well as price negotiations with Lexis Nexis. The results were a saving of more than \$350,000.

Another accomplishment of Commissioner Cunningham was getting a unanimous vote from the Commission that would require our legal counsel for TREC to immediately process any complaint containing allegations of fraud, embezzlement, theft, murder, physical assault by any person holding a Tennessee Real Estate License.

In the past these complaints have taken in some cases years to come before the Tennessee Real Estate Commission if they were tied up in court. While in court, these agents were still out on the street operating with a Real Estate License. Commissioner Cunningham's position was, we should not wait for these cases to move through the court system. The Commission needs to hear these complaints immediately so we can revoke the license of these agents and get them out of the real estate industry if they are found guilty. The Commission voted unanimously to adopt Commissioner Cunningham's recommendation and thus, it was implemented. The implementation of this recommendation protects the consumer and agents from unscrupulous people in our industry.

As Chairman of the Tennessee Real Estate Commission, we wanted to recognize and honor agents that have held a Tennessee Real Estate License for 40 or more years. It was our opinion that these agents who have spent their life serving residents of Tennessee, their community, church and local governments, deserved to be recognized for their many years of services by the Tennessee Real Estate Commission. What seemed to be an easy task, turned out to be a major challenge, which took over two years to implement. Commissioner Cunningham was instrumental in getting his graphics department to design the certificates which met with the approval of the administration and the Commission, as well as participating in the launch of the program.

It was Commissioner Cunningham's recommendation on how we should go about selecting our executive director which resulted in the hiring of Ms. Eve Maxwell. His expertise in hiring people resulted in a very good screening and interviewing process which the Commission used in the selection process.

He chaired the committee that conducted the performance review of our executive director which led to the implementation of an MBO system which was suggested by Commissioner Flitcroft. I could go on discussing Commissioner Cunningham's accomplishments but I am running out of space. As Chairman of the Tennessee Real Estate Commission, and on behalf of the Commission, we want to thank Commissioner Cunningham for his outstanding service to the Tennessee Real Estate Commission and the State of Tennessee.

Reappointments...cont.

historical perspectives on issues that come before the Commission. The Commission meeting attendees regularly comment on how interesting and helpful it is to hear the history of a policy, statute or rule. It allows all of us to see how and why the bridges were built to connect the old and the new. Commissioner Haynes always strives to ensure that decisions made by the Commission are consistent and clear, so that the licensees and the consumers know and understand what is being done and what guidelines and policies need to be followed. Commissioner Haynes is a resident of Gallatin where he has served on a number of boards and commissions. Serving on the Sumner County Planning Commission since 1994, Commissioner Haynes was recently honored for his service and commitment, noting that he had been instrumental in bringing progress and advancement to all of Sumner County. In addition, Commissioner Haynes is on the Sumner County Election Commission, the Industrial Development Board of Gallatin and has recently been selected to serve on the Auction Advisory Group for ARELLO. He has been a successful and respected real estate practitioner for almost 40 years and his professional memberships include the Sumner County, Tennessee and National Association of REALTORS (TAR) and the Middle Tennessee

Auctioneer Association. Commissioner Haynes is also licensed as an auctioneer and commercial contractor and is a broker affiliated with Haynes Realtors.

Isaac Northern of Memphis has practiced real estate for more than 30 years and is currently the principal broker of Northern, Inc. and is a Certified Property Manager.

Commissioner Northern's experience in property management was a great asset to the Commission during his first term and most certainly will continue to be throughout his second term. All of Commissioner Northern's opinions are well thought out and always have the best interests of the real estate licensees and consumers in mind. His passion for the industry is evident in his concern for maintaining professionalism in the real estate industry. Commissioner Northern is a past president of the Memphis Area Association of REALTORS and avidly supports and contributes to his community by working with the Shelby County Health, Housing & Education Facilities Board, past chairman of the Board for Generations, Inc., the Alliance for Equitable Growth and the Office of Planning & Development's Whitehaven Advisory Panel. As a member of a TAR Presidential Advisory Group, Commissioner Northern has been deeply involved in the formulation of policies and initiatives introduced by TAR. The Commission at its July 2008

meeting unanimously and by acclamation re-elected Charles Haynes as Chairman and Bear Stephenson as Vice Chairman. Commissioner Haynes has been elected chair numerous times and has always proven himself to be a superb leader. He is able to keep the meetings running smoothly and he has the ability to keep most discussions focused on the issues presented.

Commissioner Stephenson has experience as the Vice Chairman and does an outstanding job of running the meetings when called upon to do so. The Commission is fortunate to have Commissioner Stephenson with his vast knowledge of the real estate industry and well reasoned suggestions to serve as Vice Chairman. In addition to his 27 years experience as a real estate agent, Commissioner Stephenson is an auctioneer and the principal broker and owner of Stephenson Realty and Auction, located in Clinton Tennessee, where He has lived for many years. Known for his community involvement, Commissioner Stephenson has been active in the United Way of Anderson County, the Girl Scouts and working with senior citizens. Perhaps more importantly, Commissioner Stephenson works tirelessly behind the scenes performing many benefit auctions which raise money for numerous charities throughout Tennessee. Commissioner Stephenson is highly regarded by his peers for his talents and intelligence, but also for his sense of fairness and equanimity.

Release date for the 2008 Edition of the Official manual of the Tennessee Real Estate Commission

We anticipate that the 2008 edition of the Tennessee Real Estate Manual will soon be ready for release. The new manual will include updated information on legislative changes, rules and frequently asked questions.

The new manual will be available in hard copy and through the TREC website at www.state.tn.us/commerce/boards/trec Please make sure you use the most current addition available.

INTERPLEADER Q & A

By: Commissioner David Flitcroft

The Interpleader process was statutorily created and, for the real estate industry, allows a company holding contested earnest money to deposit the funds with the Court resulting in the Judge making the decision as to who receives the funds. A copy of the Interpleader Form is in the TREC Manual (Rule 1260-2-.34).

1. How soon should I file an Interpleader action? The action should be filed as soon as it becomes apparent that buyers and sellers cannot agree on the disposition of the escrow funds. The TREC guideline is that escrow funds should be disbursed or an Interpleader should be filed within thirty (30) days of written demand by either party.

2. Do I need an attorney to file the action? Yes, most Courts will require an attorney to file the

lawsuit and appear in Court. You will need to provide a copy of the contract, a good current address and telephone number for the buyers and sellers.

3. How long does it take to have a hearing? This varies from Court to Court. If both buyers and sellers are local, it normally could be conducted within the month. If one or both parties are out of state, ordinarily the service will take two months.

4. What are the Court costs and who pays them? Court costs vary but are usually \$200.00. The real estate professional filing the Interpleader is initially responsible for paying the Court costs.

5. How do I get reimbursed? The Interpleader Form could be modified by counsel to request

that escrow funds be used to reimburse the real estate professional who paid for costs and for attorney's fees. Reimbursement of costs is at the discretion of the Court.

6. Any other tips? Be sure to coordinate with the Court's secretary in advance to select a hearing date on a day the Judge is available and also when the other real estate professionals involved in the transaction can be available. You need to plan to attend and bring your entire transaction file with all notes, documents and correspondence. Remember, interpleading is an action solely to dispose of the escrow funds. A separate action can always be maintained for contract damages or specific performance.

TREC POLICIES ON WEB-SITE

All current TREC policies are on the TREC web-site at: <http://state.tn.us/commerce/boards/trec/policies.html>. Please review them frequently so that any changes concerning your license are noted. Policies can be added by the Commission or removed when they become obsolete or are replaced by rule or law.

"The Tennessee Department of Commerce and Insurance is committed to principles of equal opportunity, equal access, and affirmative action." Contact the EEO Coordinator or ADA Coordinator (615) 253-7685.



Tennessee Department of Commerce and Insurance. Authorization No. 335101, 40,000 copies. This public document was promulgated at a cost of \$.22 per copy. (Rev. 7/08)

— DISCIPLINARY ACTIONS —

MAY 2008

CHRISTOPHER PEACE BLAKE
Lic. No. Unlicensed
Chattanooga, TN

Mr. Blake was assessed a civil penalty of \$1,000.00 for unlicensed activity.

SUE DOSS

Lic. No. AF227198
Johnson City, TN

Ms. Doss was assessed a civil penalty of \$1,000.00 for unlicensed activity – she previously had a license that expired 12-31-00.

DEBORAH J. NEVINS-BILLINGS

Lic. No. 17681
Cookeville, TN

Ms. Nevins-Billings was assessed a civil penalty of \$500.00 for making any substantial and willful misrepresentation.

VERNIE LOU SEALS-CARMACK

Lic. No. AF294252
Cookeville, TN

Ms. Seals-Carmack was assessed a civil penalty of \$500.00 for making any substantial and willful misrepresentation.

ROBERT 'BOB' L. WILBANKS

Lic. No. PB284220
Knoxville, TN

Mr. Wilbanks was assessed a civil penalty of \$1,000.00 for failure to timely remit monies belonging to others.

YOUR IGLOO.COM, INC.

Lic. No. FM257730
Chattanooga, TN

Your Igloo.Com, Inc. was assessed a civil penalty of \$2,000.00 for the following: an escrow account violation, a sign violation, failure to maintain records for three years, and failure to display licenses.

JUNE 2008

JOHN A. AMAEFULA
Lic. No. AF272750
Collierville, TN

Mr. Amaefula was assessed a civil penalty of \$3,000.00 for failure to disclose information.

AMANDA LEIGH CHARLESWORTH
Lic. No. AF304206
Mableton, GA

Ms. Charlesworth's license was revoked for failure to maintain errors and omissions insurance.

FORREST HAMM

Lic. No. AF285080
Blue Ridge, GA

Mr. Hamm's license was revoked for failure to supervise affiliates.

NICOLE BOND HICKS

Lic. No. PB275641
Nashville, TN

Ms. Hicks was assessed a civil penalty of \$500.00 for failure to exercise reasonable skill and care.

SHARON D. HOLT

Lic. No. AF256834
Nashville, TN

Ms. Holt was assessed a civil penalty of \$2,500.00 for failure to exercise reasonable skill and care.

WILLIAM TODD JOHNSON

Lic. No. AF300545
Knoxville, TN

Mr. Johnson's license was revoked for failure to maintain errors and omissions insurance.

MILL CREEK SPRINGS

Lic. No. Unlicensed
Pigeon Forge, TN

Mill Creek Springs was assessed a civil

penalty of \$2,084.00 for unlicensed activity.

JULY 2008

STEFAN "CHRIS" CAMP
Lic. No. AF288777
Memphis, TN

Mr. Camp paid a civil penalty of \$1,000.00 for failure to obey and to be loyal to the interest of the client.

GRANDEVIEW PROPERTIES, LLC
Lic. No. FM259995
Nashville, TN

The firm paid a civil penalty of \$250.00 for an escrow account violation.

TOM C. LEACH

Lic. No. PB5523
Lafollette, TN

Mr. Leach paid a civil penalty of \$500.00 for failure to maintain agency disclosure statements.

HENRY K. RICE

Lic. No. AF237143 (expired
12/31/04)
Collierville, TN

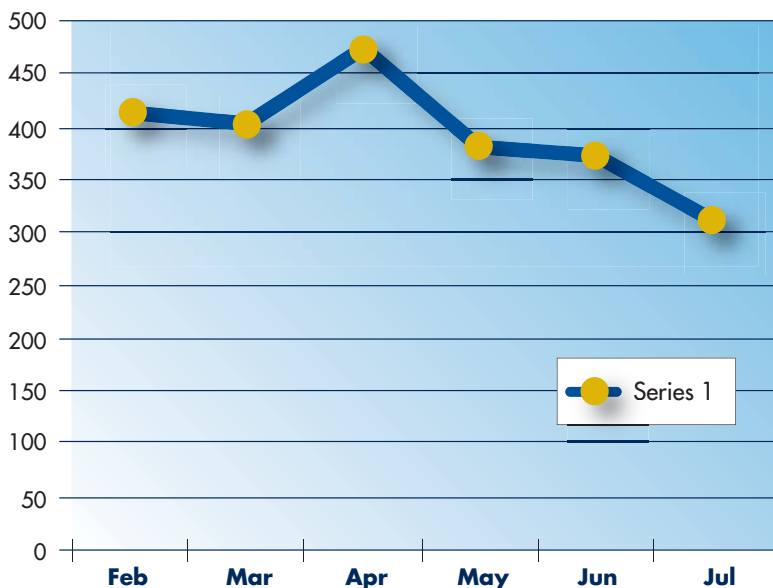
Mr. Rice paid a civil penalty of \$2,500.00 for failure to disclose a prior conviction.

TREC MEETING CALENDAR LAST QUARTER OF 2008

Date	Meeting Site
October 1 and 2	Supreme Court Appellate Bldg. 505 Main Street 2nd Floor Courtroom Knoxville, Tennessee
November 5 & 6	Department of Commerce & Insurance Suite 160 500 James Robertson Parkway Nashville, Tennessee
December 3 & 4	Department of Commerce & Insurance Suite 160 500 James Robertson Parkway Nashville, Tennessee

Meetings generally begin at 9:00 AM local time. Please check the TREC web site for any changes in sites or times.

New Applications By Month for 2008



TREC Administrative Office Has Moved

The administrative office of the Tennessee Real Estate Commission has moved to the third floor of the Andrew Johnson Tower, 710 James Robertson Parkway. The mailing address remains 500 James Robertson Parkway and the TREC Commission Meetings held in Nashville will continue to be in Suite 160 of the 500 James Robertson Parkway building (Davy Crockett Tower). The phone numbers for Commission and TREC staff did not change. If you plan to bring any documentation that must be accompanied by payment, that documentation and payment must be delivered to the Cash Office of the Department of Commerce and Insurance on the first floor of the Davy Crockett Tower (500 James Robertson Parkway). The temporary move to the Andrew Johnson Tower is to facilitate renovations being made to the Davy Crockett Tower.

TREC Contact Information

(615) 741-2273 or (800) 342-4031

www.state.tn.us/commerce/boards/trec**Personnel & Areas of Responsibility****Administration:**
Eve Maxwell**Administrative Assistance**Betsy Bowman
Kelly McDermott**Office Manager:**

Dennis Hodges

Board Meetings:

Kelly McDermott

Complaints:

Conell House

Education:

Kathy Riggs

Licensing:

Patricia Appleton

Hester Curtis

Kim Dorris

Gil Dyer

Rachel Fowler

Deborah Malugen

Karen Patton

Ruby Perry

Richard Thomas

Paula VanBuren

Reception & Records**Management:**

Ken Spurlock

Linda Wolfert

David Freyer

Errors & Omissions InsuranceContractor for
2007-2008**Rice Insurance Services****Company, LLC**

Phone:

(888) 248-2444

Fax:

(502) 897-7174

Web: www.risceo.com**Department of Commerce and Insurance**

COMMISSIONER: LESLIE A. NEWMAN

ASSISTANT COMMISSIONER: STEVEN MAJCHRZAK

Members of the Commission

CHARLES HAYNES, CHAIRMAN

Gallatin, TN

BEAR STEPHENSON,

VICE CHAIRMAN

Clinton, TN

WENDELL ALEXANDER

Dresden, TN

GROVER COLLINS

Lewisburg, TN

ALLEN WOODS

Nashville, TN

CAROL TATE

Memphis, TN

VALERIE JOH

Kingsport, TN

ISAAC NORTHERN

Memphis, TN

DAVID FLITCROFT

Knoxville, TN

The current State of Tennessee contract for errors and omissions insurance that can be purchased by Tennessee real estate licensees expires December 31, 2008. If you are covered by the State's policy, your errors and omissions insurance also expires at midnight December 31, 2008.

A Request for Proposal has been issued by the State of Tennessee that will lead to a new contract being established October 2008. Please monitor the Commission's web site at www.state.tn.us/commerce/boards/trec, in order to determine how to purchase the new errors and omissions insurance for 2009-2010.

Editor/Chief: Eve Maxwell
Executive Director

Editor: Kathy Riggs, Ph.D.
Director of Education

Tennessee Real Estate Commission

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